

CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

General Counsel

Honorable William V. Roth, Jr.
Chairman,
Committee on Governmental Affairs
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This letter presents the views of the Central Intelligence Agency on S. 635, the "Antiterrorism Act of 1981." The Agency strongly supports legislative efforts to combat international terrorism. With several important modifications designed to assure the continued effective conduct of United States intelligence activities directed against international terrorism, the Bill would be a positive contribution.

Four modifications to the legislation would assure that it does not have the unintended effect of interfering with U.S. intelligence activities aimed at international terrorism. First, the legislation should include consolidated reporting requirements designed to assure that Congress receives useful reports on international terrorist incidents affecting U.S. citizens. Second, the legislation should provide procedures for handling any sensitive classified information that might be contained in the reports to Congress it requires. Third, the legislation should permit entry into the United States of individuals aiding the United States who may be nationals of states supporting terrorism, which paragraph 6(a)(5) of the Bill as drafted would prohibit. Fourth, the legislation should permit federal officers, including intelligence personnel, specifically authorized by statute to carry firearms in connection with official duties to carry them aboard aircraft.

The Bill levies many reporting requirements on the Executive Branch to keep the Congress informed about international terrorist activities and U.S. efforts to combat them. Sections 4, 5, 6, and 7 of the Bill require the President to transmit to the Speaker of the House:

- (1) an annual report on international terrorist incidents;

- (2) a detailed report within sixty days of an international terrorist incident involving U.S. citizens or significant U.S. interests or property;
- (3) a list of nations supporting international terrorism and the reasons each state appears on the list;
- (4) a detailed report within fifteen days if the President suspends the applicability of any of the Bill's prohibitions against intercourse with a state supporting terrorism;
- (5) prompt and full information on each exercise of authority granted by the legislation; and
- (6) a biennial report on U.S. activities to counter terrorism.

In addition to the reports discussed above, Section 8 of the Bill amends the Federal Aviation Act to require the Secretary of Transportation to report to the Congress on the adequacy of security at foreign airports.

The first modification to the Bill would improve greatly the usefulness of the reports Congress receives on international terrorism, while simultaneously reducing the administrative burden of producing the reports. Section 4 of the Bill would require the President to submit to Congress a report on each international terrorist incident which involves or affects U.S. citizens. This requirement would necessitate one, and often two, reports per day to the Congress, creating a flood of paper of little use to the Congress. To increase the usefulness of the reports from a legislative perspective, subsection 4(a) of the Bill should be modified as indicated below to require semi-annual reports on terrorist incidents involving U.S. citizens; material deleted is lined out and new material is underscored:

"Provided, however that any such incidents which affects or involves citizens or significant interests or property of the United States shall be reported to Congress ~~not later than sixty days after the occurrence of such an incident~~ on a semiannual basis."

The modification assures that the reports Congress receives will provide a useful means for legislative examination of the impact on United States interests of international terrorist incidents.

The second modification to the Bill would improve protection for sensitive classified information likely to be contained in the reports to Congress required by the Bill. The provisions currently contained in the Bill to protect this information do not adequately safeguard it from unauthorized disclosure. Currently, each section of the Bill which contains a reporting requirement also contains a provision intended to protect against unauthorized disclosure of classified information and information otherwise protected by law. We strongly recommend that these provisions be modified as indicated below; material deleted is lined out and new material is underscored:

~~"Nothing in this section is intended to require the public disclosure of information that is properly classified under criteria established by Executive order or is otherwise protected by law. Information produced or transmitted in carrying out the requirements of this section which is properly classified under criteria established by Executive order, or is otherwise protected by law, shall not be disclosed to the public. Such information shall be provided to the President pro tempore of the Senate and to the Speaker of the House of Representatives in a written classified report, which shall be held by the intelligence committee of the respective House consistent with subsection 501(d) of the National Security Act of 1947 (50 U.S.C. 413) and Rules and procedures adopted in accordance with that subsection. In such case, an unclassified summary of such information shall be prepared and submitted to the President pro tempore of the Senate and the Speaker of the House of Representatives."~~

As modified, the provision protects against public disclosure of classified information and information otherwise protected by law, such as information concerning intelligence sources and methods protected by paragraph 102(d)(3) of the National Security Act of 1947 [50 U.S.C. 403(d)(3)]. The provision also ensures that adequate security procedures will protect such information while providing convenient congressional access to it.

A third modification of the Bill would ensure the continued effectiveness of U.S. Government activities which involve nationals of a country designated under the Bill as a state supporting terrorism. Paragraph 6(a)(5) of the Bill prohibits entry into the United States for purposes of training or education having military applicability by nationals of a country designated as a state supporting terrorism. This provision could prevent the training of individuals assisting the United States who might be nationals of a state supporting terrorism, thereby reducing the utility of these individuals to the United States

Government. To prevent the prohibition from impairing the effectiveness of U.S. Government activities, the provision should be modified as indicated below; new material is underscored:

"(a) When a foreign government is listed pursuant to section 5 of this Act, the President shall--....

(5) permit no entry into the United States by nationals of such country, or foreign nationals sponsored by such country, for the purpose of acquiring or continuing training or education in nuclear sciences, or a subject having military applicability, unless the President, or an officer to whom he delegates such authority, determines that it would be in the interest of the United States to permit such entry, or...."

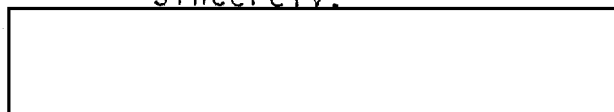
A final modification of the Bill would make the legislation consistent with subsection 5(d) of the Central Intelligence Agency Act of 1949 [50 U.S.C. 403f(d)], as enacted by the Intelligence Authorization Act for Fiscal Year 1982, P.L. 97-89, which authorizes Agency personnel to carry firearms for certain official purposes. Section 14 of S. 635, amending the Federal Aviation Act, provides civil penalties for persons carrying weapons aboard aircraft. The provision excepts law enforcement officers authorized to carry arms within their official capacities and other persons authorized to carry arms aboard aircraft by the Federal Aviation Administrator, but it does not except Central Intelligence Agency personnel authorized to carry firearms. To permit such personnel to carry firearms aboard aircraft, section 14 of the Bill should be amended as indicated below; new material is underscored:

"(d) Except for law enforcement officers of any municipal or State government, or the Federal Government, who are authorized or required within their official capacities to carry arms, other personnel authorized to carry firearms pursuant to federal statute, or other persons who may be so authorized under regulations issued by the Administrator, whoever, while aboard, or while attempting to board, any aircraft in, or intended for operation in, air transportation or intrastate air transportation, has on or about his person or his property a concealed deadly or dangerous weapon, which is, or would be, accessible to such person in flight shall be subject to a civil penalty of not more than \$1,000 which shall be recoverable in a civil action brought in the name of the United States."

The modification permits Agency personnel authorized to carry firearms in accordance with subsection 5(d) of the Central Intelligence Agency Act to carry them aboard aircraft without liability for the civil penalty.

We appreciate very much the opportunity to express our views on S. 635. My staff is available to assist the Committee in its work on antiterrorism legislation. The Office of Management and Budget has advised that there is no objection to the submission of this letter from the standpoint of the Administration's program.

Sincerely,

A rectangular box with a black border, used to redact the signature of Stanley Sporkin.

Stanley Sporkin

STAT

Approved For Release 2005/12/14 : CIA-RDP87B01034R000600100019-9
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REMARKS

Attached please find a copy of the final letter sent to OMB re the "Antiterrorism Act of 1981."



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